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COMMISSION ON HUMAN RIGHTS

First Special Session

SUMMARY RECORD OF THE 1st MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 13 August 1992, at 10 a.m.

Chairman: Mr. SOLT (Hungary)

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Adoption of the agenda

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Letter dated 5 August 1992 from the Permanent Representative of the United States of America to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

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GE.92-13218/4039B (E)

The meeting was called to order at 10.40 a.m.

1. The CHAIRMAN declared open the First Special Session of the Commission on Human Rights. The Commission was meeting in exceptional circumstances to consider a particularly serious matter. It should accordingly make the best possible use of the time allotted to it to perform its arduous task.

ADOPTION OF THE AGENDA (item 1 of the provisional agenda) (E/CN.4/1992/S-1/1 and Add.1)

2. The CHAIRMAN invited the Commission to adopt its agenda.

3. Mr. OMAR (Libyan Arab Jamahiriya) observed that the letter dated 5 August 1992 (E/CN.4/1992/S-1/2) from the Permanent Representative of the United States of America addressed to the Under-Secretary-General for Human Rights, which had given rise to the Special Session of the Commission, referred to "the dangerous deterioration of the human rights situation in the former Yugoslavia". The terms used seemed too broad as it was only certain regions of the former Yugoslavia that were suffering from serious human rights violations. He therefore proposed that item 3 of the provisional agenda should read "Dangerous deterioration of the human rights situation in the former Yugoslavia, and in particular in Bosnia and Herzegovina", or at least that such words should be added to the wording of item 3 as it appeared in document E/CN.4/1992/S-1/1. His proposal contained the same words as those used by the Security Council in its debates on the situation in Bosnia and Herzegovina.

4. The CHAIRMAN considered that it was not possible to amend the wording of item 3, which merely referred to the letter from a State member of the Commission.

5. Mr. OMAR (Libyan Arab Jamahiriya), supported by Mr. AL-TAKRITI (Iraq), said that the fact the agenda item under consideration was entitled "Adoption of the agenda" was precisely to enable delegations to discuss the agenda, which had not yet been adopted.

6. Mr. WALKER (Australia), supported by Mr. BOLTON (United States of America), said that rule 42 of the rules of procedure of the functional commissions of the Economic and Social Council was perfectly clear: if the representative of the Libyan Arab Jamahiriya wished to appeal against the Chairman's ruling on the point of order raised, his appeal should immediately be put to the vote in order to allow the Commission to address the substantive questions before it without delay.

7. The CHAIRMAN asked delegations if they had any observations to make concerning the Libyan proposal.

8. Mr. SENE (Senegal) considered that the situation was too serious for the Commission to become bogged down in a procedural debate. It was the letter from the representative of the United States, a letter whose title had been used for the wording of agenda item 3, which had made it possible to convene a special session of the Commission on the serious situation of human rights in

the former Yugoslavia. Everyone was aware that it was Bosnia and Herzegovina which was the most seriously affected part. The wording proposed by the Libyan Arab Jamahiriya enabled the Commission to get down to work, although other regions, such as Kosovo, must not be forgotten. He emphasized the need for a decision by consensus on that point, without a vote.

9. Mr. ENNACEUR (Tunisia) said that, in his view, the Libyan proposal reflected a desire to flesh out the substance of agenda item 3, and not to change it. It was true that, as it stood, the wording was somewhat vague. He agreed with Mr. Sene on the need to reach a consensus on that point.

10. Mr. MASHADI (Islamic Republic of Iran) supported the previous two speakers. He also proposed that the Commission should adopt the proposal made by the Libyan Arab Jamahiriya by consensus and that it should take up its substantive work without delay.

11. Mr. BOLTON (United States of America) pointed out that it was thanks to the initiative of his country that the Commission on Human Rights was for the first time meeting in special session, and that 35 members of the Commission had replied favourably to the letter from the United States proposing the convening of the current session. The agenda prepared by the secretariat faithfully reflected that fact and if there was disagreement within the Commission, a vote should be taken without any further delay.

12. Mr. WALKER (Australia) said that he did not disagree with the substance of the proposal by the representative of the Libyan Arab Jamahiriya, but he felt there was a danger that that proposal might set a serious precedent, as it would signify that it was possible to amend the agenda which had given rise to the convening of the special session when the session had already begun.

13. Mr. VAN WULFFTEN PALTHE (Netherlands) said he shared the views of the previous two speakers.

14. Mr. BROTODININGRAT (Indonesia) said he saw no reason why a delegation should be prevented from proposing an amendment to the agenda.

15. Mr. KAMAL (Pakistan) said that there was indeed no doubt that it was on the initiative of the United States, supported by several other countries, that the Commission had been convened in special session; but there was also no doubt that members were entitled to amend the Commission's agenda provided their proposals were realistic. In any event, it was essential to avoid a vote on that matter at all costs and to endeavour to preserve the consensus. Rule 42 of the rules of procedure could not apply in the present case as the proposal by the Libyan Arab Jamahiriya was not a point of order.

16. Mr. SHAH (India) reminded members that his country had supported the initiative by the United States for the convening of a special session of the Commission. The question before it was whether, by adding to the agenda, the Commission was not setting a precedent which would subsquently be invoked in order to add an indeterminate number of items to the agenda of any special sessions that might be convened pursuant to General Assembly resolution 1990/48.

17. The CHAIRMAN said that if the Libyan Arab Jamahiriya maintained its proposed amendment to item 3 of the provisional agenda, the Commission would take a vote, in accordance with rule 64 of its rules of procedure.

18. Mr. WALKER (Australia) opposed the Libyan amendment for reasons of form. The Commission should not set a precedent by amending the agenda of a special session at the last minute.

19. Mr. TUERK (Austria), Ms. PARK (Canada), Mr. BOLTON (United States of America), Mr. OSMANY (Bangladesh), Mr. GRAÇA LIMA (Brazil), Mr. SHAH (India), Mr. SAMOYA (Burundi), Mr. GOONETILLEKE (Sri Lanka) and Mr. VILLARROEL (Philippines) supported the views expressed by Mr. Walker.

20. Mr. ENNACEUR (Tunisia) argued that the Libyan proposal did not add anything new to the agenda; it merely clarified agenda item 3 and made it more specific.

21. Mr. KAMAL (Pakistan) explained that the Libyan amendment was in conformity with the request made by the United States in its letter to the Under-Secretary-General for Human Rights; in no way did it alter the substance of the issue raised by item 3. In any event, the situation in the former Yugoslavia was so serious that it would appear to justify establishing a precedent by amending an agenda which had already been decided.

22. Mr. MORLAND (United Kingdom), speaking on behalf of the States members of the European Economic Community, urged the Commission not to spend time on procedural matters but to turn its attention to questions of substance.

23. Mr. BROTODININGRAT (Indonesia) said that, if there was a vote, his delegation would abstain as no one had put forward a valid argument against the Libyan proposal; however, its abstention should not be interpreted as indicating a lack of interest in the work of the session.

24. Mr. MASHADI (Islamic Republic of Iran), Mr. AMOO-GOTTFRIED (Ghana), Mr. RIMDAP (Nigeria), Mr. HELLER (Mexico) and Mr. LEMINE (Mauritania) supported the Libyan proposal as it did not involve a substantive change in the agenda. On the contrary, it made it more explicit, highlighted the situation which had motivated the convening of the Special Session and would give more weight to the Commission's deliberations.

25. Mr. SENE (Senegal) considered that the procedural debate had gone on too long; as there was agreement on the United States initiative calling for the convening of a special session, it was time to move on to the substantive issue. Supported by Mr. TOTH (Hungary), he requested the Libyan delegation to withdraw its proposed amendment.

26. Mr. OMAR (Libyan Arab Jamahiriya) maintained his view that he was right in attempting to clarify the text and that any delegation was entitled to question an agenda before it was adopted; he had not heard any convincing argument against his proposal. However, after having consulted the Vice-President of the Republic of Bosnia and Herzegovina and those delegations which had supported his proposal, he deemed it preferable to request the Chairman not to put it to a vote.

27. The CHAIRMAN said that, if there was no objection, he would take it that the Commission wished to adopt the agenda as contained in document E/CN.4/1992/S-1/1 and Add.1.

28. It was so decided.

ORGANIZATION OF WORK (agenda item 2)

29. The CHAIRMAN proposed that during the general debate each speaker should speak once only and for a maximum of 10 minutes. Exercise of the right of reply and procedures for consideration of proposals and for voting would take place in the usual manner.

30. He reminded members that rule 52 of the Commission's rules of procedure allowed the required 24-hour period between the circulation of the texts of proposals and amendments and the vote thereon to be waived. He proposed that, in view of the circumstances, the Commission should not apply that rule.

31. It was so decided.

32. The CHAIRMAN said that the Commission would complete its work by adopting its report.

33. Mr. BLANCA (Under-Secretary-General for Human Rights) said that in view of the exceptional nature of that meeting of the Commission, and with the Chairman's permission, he would refrain from making a statement on the occasion of the opening of the Commission's work.

34. However, he wished to take the opportunity to introduce the Director of the Centre for Human Rights, Mr. Ibrahim Fall, from Senegal, who had just been appointed to that post, recently created by the General Assembly of the United Nations.

LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS (agenda item 3) (E/CN.4/1992/S-1/2)

35. Mr. MORLAND (United Kingdom) said that the European Community and its member States, on whose behalf he was speaking, had on numerous occasions reiterated that they had not accepted the automatic continuity of the Federal Republic of Yugoslavia in international organizations, including the United Nations. The presence of representatives of Serbia and Montenegro at the current meeting of the Commission was accordingly without prejudice to the position of the European Community and its member States.

36. Mr. BRANKOVIC (Yugoslavia), speaking on a point of order, denounced what he termed the "political hypocrisy" that was preventing the Federal Republic of Yugoslavia from participating in a debate whose subject was consideration of the deterioration of human rights in the former Yugoslavia, despite the fact that it was a member of the Commission. He regretted the fact that the Commission had not invited the three nations to be represented in the debate. The Commission was not competent to take any decision on that question.

37. Mr. BOLTON (United States of America) said that the Socialist Federal Republic of Yugoslavia no longer existed and that Serbia and Montenegro were not its successors. Thus they were not entitled to occupy the seat of the former Socialist Federal Republic of Yugoslavia. In that connection, he reminded the Commission that Security Council resolution 757 (1992) of 30 May 1992 stipulated that "the claim by the Federal Republic of Yugoslavia (Serbia and Montenegro) to continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations has not been generally accepted". The United States position was also based on the report recently published by the European Community, which had concluded that there was no authority for Serbia and Montenegro to represent the former Yugoslavia in the international organizations.

38. His delegation considered that the United Nations Security Council and General Assembly were the organs competent to decide the question of the membership status of Serbia and Montenegro in the United Nations system and that they should do so as soon as possible. Thus the participation of representatives of Serbia and Montenegro in the current meeting did not prejudge the General Assembly's decision on that question.

39. Mr. TUERK (Austria) said that his Government had repeatedly voiced its opinion that there was no legal basis for automatic continuation of the legal existence of the former Socialist Federal Republic of Yugoslavia by the Federal Republic of Yugoslavia. Consequently, the participation of the Federal Republic of Yugoslavia in the current Special Session of the Commission could in no way be considered to prejudge any future decisions taken by the appropriate United Nations bodies or to constitute any form of recognition by Austria. It should be emphasized that, for the purposes of possible recognition of the Federal Republic of Yugoslavia, the criteria determined by the European Community on 16 December 1991 for the succession of States must be applied.

40. Mr. WALKER (Australia), Mr. ITO (Japan) and Ms. ROSS (Canada) stated that the participation of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the work of the Special Session of the Commission in no way prejudged the position of their respective countries regarding the succession of the former Yugoslavia.

41. Mr. BOLTON (United States of America) said that his country had requested the convening of the Special Session of the Commission on Human Rights because, like many other countries, it was appalled at the savagery being unleashed on the citizens of the former Yugoslavia.

42. There was no doubt that there were ongoing abuses of human rights in that territory, in direct violation of international law. Carnage was being wreaked on the innocent civilian population of Bosnia by opposing military forces. Entire populations were being expelled as part of the policy of "ethnic cleansing". In the camps, people were systematically tortured and executed, while camp prisoners were being moved in an effort to hide the horrors inflicted on them.

43. To shed as much light as possible on the situation, his delegation called for an investigation into human rights violations in the republics of the former Yugoslavia, particularly Bosnia and Herzegovina, a full airing of all charges relating to abuses of human rights and violations of international law, determination of who was responsible for such abuses, and unimpeded access by humanitarian organizations such as the International Committee of the Red Cross (ICRC) to all victims of the conflict, including those held in detention. To that end, his delegation proposed that the Commission should appoint a special rapporteur who, acting under the authority of the United Nations, would conduct an urgent first-hand investigation to enable the United Nations, as well as the Conference on Security and Cooperation in Europe (CSCE), to consider further action. Such action would complement, rather than supplant, the efforts of other organizations.

44. His delegation had submitted to the Commission a draft resolution which should be overwhelmingly endorsed by the member States, as it was evidence of the uniform revulsion felt throughout the world and the joint determination not to remain idle.

45. Political gains made through violence could only be maintained through further violence and repression. The international community would never accept the redrawing of boundaries by force in Yugoslavia; the sooner the parties accepted that fundamental fact, the sooner the crisis would be peacefully resolved.

46. The Nürnberg Tribunal had reaffirmed the principle of individual accountability for crimes against humanity committed in the name of national or ethnic groups. The United States was fully prepared to join with others in seeing that individuals guilty of violations of international law and human rights principles were held accountable for their acts. It had proposed in the Security Council a "war crimes" resolution to ensure such accountability, and wished to see it adopted as soon as possible.

47. It was the duty of the international community to react against the treatment being meted out to the peoples of the former Yugoslavia, whatever their group. The United States called on the Commission to adopt all measures, including a full and immediate investigation, that would help protect the victims of that tragic conflict.

48. Mr. GANIC (Observer for Bosnia and Herzegovina) noted that Bosnia and Herzegovina, a Member of the United Nations, also participated in other international organizations such as CSCE and subscribed to international human rights treaties and standards of conduct.

49. The aggression being perpetrated by Serbia and Montenegro, which the Belgrade regime portrayed as a "civil war", had made victims of all the inhabitants of Bosnia. Although the Muslims were the main target, the policy of "ethnic cleansing" was also directed against the Croatians in Bosnia. Since the aim of the aggressor was to create a Greater Serbia through the unification of ethnically homogeneous territories, it was to be feared that that policy would extend to Vojvodina, Sandjak and Kosovo. Other countries

in Europe might suffer the same fate, and other countries would be encouraged to pursue genocide if that crime against humanity - ethnic cleansing - went unpunished.

50. As to the situation in the concentration camps, the atrocities that occurred there had been reported by UNHCR, human rights monitors and the international media. More than 100 such camps had been established and more than 120,000 people were dying in them.

51. Those terrible human rights abuses were violations of international law, including the International Convention on the Prevention and Punishment of the Crime of Genocide, the Geneva Conventions and the Charter of the United Nations. Despite the fact that the draft resolution before the Commission did not mention Serbia and Montenegro as aggressors, he commended the text and urged the immediate dispatch of a special rapporteur to investigate the crimes against humanity being perpetrated in Bosnia and Herzegovina. He invited the humanitarian organizations, in particular ICRC, to inspect prison conditions in Bosnia and Herzegovina and the concentration camps set up by Serbian extremists and the Belgrade regime, but warned that prisoners were at that very moment being moved in order to cover up the atrocities that had been committed.

52. A war crimes tribunal should be established. INTERPOL should issue arrest warrants for Serbian aggressors who flaunted their disregard for human rights. Compensation for lost property should be provided.

53. The rapporteur should exercise his functions until the full extent of the atrocities was revealed. In that connection, he urged the rapporteur to prepare a preliminary report for submission to the UN-EC Conference on Yugoslavia which was to begin in London on 26 August. It was to be hoped that the rapporteur's final report would be submitted to the Commission on Human Rights as soon as possible. The report could be transmitted by the Commission to the Secretary-General and thus be made available to the members of the Security Council.

54. Mr. SIMONOVIC (Observer for Croatia) stressed that the human rights violations being committed in Bosnia and Herzegovina were not merely acts of barbarism, but the result of Serbian expansionism. They were part of a deliberate policy that had first been implemented in Kosovo, the first victims being the Albanians and Muslims. Back on 2 January 1992, the Croatian Government had requested an inquiry into the destruction of civilian hospitals, the ill-treatment and killing of prisoners, and living conditions in the prisons, which were in fact concentration camps. But that request, like several proposals made by his Government, had been refused by Serbia.

55. Today, when efforts were being made to set up a new world order, there was an urgent need to restore peace in the region and to ensure respect for human rights, in the interest not only of the populations of Croatia and Bosnia-Herzegovina, but of the entire international community as well.

56. Mr. KAMAL (Pakistan) stressed that the events that had given rise to the convening of the current Special Session of the Commission on Human Rights were the direct result of the expansionist policy pursued by the Serbian

leadership and implemented through continued military action against Bosnia and Herzegovina. The Government and people of Pakistan were deeply disturbed by the continuation of that conflict and the gross violations of human rights in the region. Having recognized Bosnia and Herzegovina on 11 May 1992, Pakistan attached great importance to the independence, sovereignty and territorial integrity of that country, to the preservation of the ethnic identity of its people and to the protection of their religious, cultural and human rights. Pakistan was deeply aware of the fact that the Muslims, who constituted the majority of the population, were the aggressors' main victims.

57. The human rights situation had reached dramatic proportions, since reports were now referring to concentration camps and torture and were reminiscent of Nazi war crimes. The policy of "ethnic cleansing" was a crime against humanity. Immediate action was called for to put an end to tha barbarity. His delegation condemned in the strongest possible terms the continuation of aggression against Bosnia and Herzegovina and the systematic terror and brutality unleashed on its inhabitants. To protest against the unacceptable policies being pursued by Belgrade, Pakistan had recalled its Ambassador and asked the Belgrade representative to leave Islamabad. The sovereignty and territorial integrity of Bosnia and Herzegovina must be respected by all, and that could only come about when the complete and unconditional withdrawal of Serbian regular and paramilitary forces took place.

58. Pakistan did not recognize Serbia and Montenegro as the successors of the former Socialist Federal Republic of Yugoslavia. As long as they continued to violate the sovereignty of Bosnia and Herzegovina and the human rights of its people, those two entities should not be allowed to occupy a seat in the United Nations or in the other international organizations of which the former Yugoslavia had been a member.

59. Pakistan unequivocally supported all efforts by the international community to ensure rapid delivery of humanitarian assistance to the victims of Serbian aggression. The human tragedy had reached such proportions that all possible means must be used to deliver humanitarian relief. For its part, Pakistan had provided a grant of $10 million and a credit of $20 million, in addition to humanitarian assistance in the amount of 10 million rupees as a token of its solidarity with the people of Bosnia and Herzegovina.

60. Pakistan was strictly implementing all the resolutions of the United Nations, including those relating to sanctions, as well as the resolutions of the Organization of the Islamic Conference on the situation in the former Yugoslavia. His delegation believed that, in view of Serbia's refusal to implement the relevant Security Council resolutions, the time had come to invoke Chapter VII, Article 42, of the Charter of the United Nations. At the same time, given the prevailing circumstances, Bosnia and Herzegovina should be exempted from the provisions of Security Council resolution 713 (1992) on sanctions.

61. Immediate and effective measures by the international community were essential to avoid further deterioration of the situation, which would have catastrophic consequences for international peace and security.

62. Mr. STAFFORD (Deputy High Commissioner for Refugees) expressed UNHCR's full support for the initiative of convening a special session of the Commission. The gravity of the situation in the former Yugoslavia, especially in the Republic of Bosnia and Herzegovina, fully justified the urgent attention of the most important human rights body of the United Nations.

63. Rarely had human rights and humanitarian law been so openly and systematically flouted. What was being witnessed was an obvious desire to expel people from their homes and destroy communities, with displacement becoming the goal, not just the result, of the war. More than 2.5 million people had already been displaced. UNHCR was naturally present in the field, but its efforts were encountering considerable obstacles. Thus at the International Meeting on Humanitarian Aid for Victims of the Conflict in the Former Yugoslavia on 29 July, the High Commissioner had presented a plan for a comprehensive humanitarian response, containing 7 elements, which had been endorsed by 86 Governments. The first element on the list was respect for human rights and humanitarian law, which was not surprising since comprehensive humanitarian action could not be successful if the basic principles of humanitarian law were violated.

64. In the opinion of UNHCR, the Special Session of the Commission provided opportunity for action on two fronts. First, it allowed the international community to reaffirm the fundamental human rights, beginning with the right to remain in one's own home. The Commission must condemn the reprehensible practice of "ethnic cleansing", and clearly recognize the fundamental right of the refugees and displaced persons to return to their place of origin and to have their property restored to them. It must draw the attention of all parties to their responsibility to respect those rights, warn the perpetrators of war crimes and crimes against humanity that they would have to answer for their acts, and finally reaffirm the rights of the child, a field in which UNHCR cooperated with UNICEF.

65. Along the same lines, UNHCR called on the Commission to recognize the right of individuals to seek international protection and assistance, and the corollary obligation of all parties to provide humanitarian access.

66. The Commission must also act in a second area. There was an urgent need for full and objective information on the human rights situation. An impartial mechanism for collection and verification of information, established by the Commission, would prevent the rumours that were being used to support propaganda for fuelling the conflict, and, through international pressure, might help reduce the human rights violations. Therefore, UNHCR welcomed the proposal to appoint a special rapporteur and would be happy, within the terms of its mandate and its specific responsibilities, to cooperate with him.

67. UNHCR was convinced that, whatever could be accomplished in the humanitarian field, the real answer lay in political action to bring about a just and lasting peace. By reaffirming the fundamental principles of human rights and by exposing violations, the Commission could help to arouse the conscience of the world and induce it to take decisive action for peace, before it was too late.

68. Mr. BASTA (United Nations Children's Fund) fully endorsed the views expressed by the Deputy High Commissioner for Refugees. Referring to the provisions of the Convention on the Rights of the Child concerning protection of children in armed conflicts, he expressed the hope that any resolution or other measure adopted would contain provisions to ensure respect for the rights of the child.

69. Mr. KANACH (International Committee of the Red Cross) briefly summarized ICRC action, in the framework of its humanitarian mission, since the beginning of the conflict and reported certain positive results, especially in Croatia. However, results with regard to Bosnia and Herzegovina were negative, as the President and Deputy Director of Operations of ICRC had recently stated. For the enormous obstacles impeding humanitarian intervention to be removed, the parties to the conflict must implement the rules of international humanitarian law and respect the laws of war. Forcible transfers of populations and the policy of "ethnic cleansing" must be halted; conditions of detention must be improved in all places under the control of all parties in the conflict and ICRC and other humanitarian agencies must be allowed access to all regions of Bosnia and Herzegovina; ICRC delegates must be allowed to visit all places of detention throughout that territory. Finally, political solutions to the conflict must be found.

70. That was the message of ICRC, which solemnly appealed to all parties to the conflict and to the international community to make every effort to end unacceptable practices, of which the detention of thousands of civilians in precarious conditions was only one aspect. ICRC intended to continue its action in the field, but it would not be able to do so without an extra effort by political bodies and States. In that connection, ICRC had no objection to the appointment of a special rapporteur, whose role would necessarily complement its own.

The meeting rose at 1.20 p.m.

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COMMISSION ON HUMAN RIGHTS

First special session

SUMMARY RECORD OF THE 2nd MEETING
(FIRST PART*)

Held at the Palais des Nations, Geneva,
on Thursday, 13 August 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

later: Mr. WALKER (Australia)

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Letter dated 5 August 1992 from the Permanent Representative of the United States of America to the United Nations Office at Geneva addressed to the Under-Secretary-General for Human Rights

* The summary record of the second part of the meeting appears as document E/CN.4/1992/S-1/SR.2/Add.1.

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GE.92-13248/4797B (E)

The meeting was called to order at 3.25 p.m.

LETTER DATED 5 AUGUST 1992 FROM THE PERMANENT REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS OFFICE AT GENEVA ADDRESSED TO THE UNDER-SECRETARY-GENERAL FOR HUMAN RIGHTS (agenda item 3) (continued) (E/CN.4/1992/S-1/2; S/24365)

1. Mr. BRANKOVIC (Yugoslavia) said that his Government pursued a policy of peace and respect for human freedoms and was actively devoted to achieving immediate peace based on a just and democratic solution to all problems throughout the former Yugoslavia, in cooperation with all States and all international actors.

2. The plan for peace in Bosnia and Herzegovina drawn up by the Federal Government provided for an unconditional cease-fire, an unconditional resumption of the European Community Conference, demilitarization under United Nations control and equal treatment of all parties, and offered an acceptable solution to all three peoples. The Prime Minister had requested full support for the plan and appealed for the past to be forgotten. The Yugoslav Government was resolutely opposed to the so-called "ethnic cleansing" of any territories. It was doing everything it could to ensure the return of displaced persons and refugees to their homes and to guarantee personal safety, property rights and basic necessities, and would continue to cooperate fully with all humanitarian organizations, particularly the Office of the United Nations High Commissioner for Refugees (UNHCR). On several occasions it had condemned severely the violations of basic human rights in Bosnia and Herzegovina, irrespective of the perpetrators, and had appealed to all parties to the conflict to comply fully with the provisions of humanitarian law and to ensure free access to all humanitarian organizations engaged in the territory. Yugoslavia was making every effort to care for the refugees, who numbered 500,000 and included members of all peoples, minorities and ethnic groups from the territories of the former Yugoslavia. Crimes against innocent victims could not be justified on ethnic or religious grounds. All possible measures should be taken to prevent such acts and condemn those who had committed them. The only way to resolve such a situation was through negotiations among all the parties involved.

3. His Government was deeply shocked by the unfounded allegations concerning concentration camps for civilians in the territory of the Federal Republic of Yugoslavia. Such allegations were merely part of a campaign of unsubstantiated, one-sided accusations which could in no way help to resolve the extremely grave situation in the region. He asked the representative of the International Committee of the Red Cross (ICRC) to report to the Commission on what, if anything, that organization had found in Yugoslavia to support such claims.

4. On several occasions, his Government had formally expressed its readiness for United Nations representatives to be sent to its territory or its borders so that they could ascertain for themselves that accusations about Yugoslavia's involvement in the civil war in Bosnia and Herzegovina and about the alleged camps were unfounded. On 7 August 1992, the President of the Federal Republic of Yugoslavia had transmitted a letter to the United Nations Secretary-General inviting him to send an international group of distinguished persons to assess

the facts *in situ*. On 6 August, foreign journalists had accompanied the Prime Minister on a visit to a refugee camp and other sites allegedly transformed into concentration camps. Journalists had also had access to other refugee centres and detention camps where they had been able to see that the centres housed refugees only and that prisoners of war were being treated in accordance with the provisions of international humanitarian law. On 7 August, the Prime Minister had signed an agreement with the representatives of Croatia on the exchange of prisoners of war on an "all-for-all" basis to be carried out by 14 August.

5. Yugoslavia was participating in the Special Session in that spirit of openness and cooperation, and was prepared to do its utmost to contribute to a just settlement of the conflict in Bosnia and Herzegovina. Any decisions taken at the session should be just, balanced and unbiased, and should remove all unfounded accusations. His country's particularly difficult situation was the result of the disintegration of the former Yugoslavia and of the one-sided measures taken against it, primarily the Security Council sanctions.

6. Looking to the future, the new Government had, for the first time, established a Ministry for Human Rights and the Rights of Minorities, and steps were being taken to harmonize international obligations, the Constitution and other legal regulations. A new Codex on the Rights of National Minorities was being drafted. Independent human rights protection bodies were planned at the Federal and Republican level, with functions similar to those of an ombudsman. He hoped that the Centre for Human Rights would provide the Government with the necessary assistance in the training of staff and setting-up of a documentation system, and that a report on the results achieved could be submitted to the Commission at its regular session in early 1993. He trusted that the Commission, in the interests of truth and justice, would support the efforts made by his Government and not allow Yugoslavia to be the victim of a propaganda war.

7. He informed the Commission that the leadership of the Serbian Republic of Bosnia and Herzegovina had, on the previous Saturday, proposed to ICRC that it should take over the running of all prisons controlled by the Serbs of Bosnia and Herzegovina, and had proposed an "all-for-all" exchange of prisoners of war to the Muslim and Croatian sides. The Serbian side had also taken a unilateral decision to release wounded and ailing prisoners of war, those over the age of 60 and those charged with minor criminal offences. Regarding allegations of the existence of concentration camps, to the best of his knowledge the only camps were prisoner-of-war camps, in which 8,251 persons, none of them women or children, were detained. He quoted statements by prisoners that they were being treated properly, in accordance with the Geneva Conventions.

8. He quoted a report about "private" prisons for captured Serbs in parts of Bosnia and Herzegovina controlled by Bosnian Croats and the regular army of Croatia, in which the inmates were said to be tortured and treated as slaves, about incomparably bad conditions in Croatian prisons, and about the presence of many mercenaries among the Croatian troops.

9. He quoted a statement made by Mr. Ashdown, Member of Parliament of the United Kingdom at the end of his visit to Yugoslavia on 12 August, confirming that he had seen nothing resembling concentration camps, commending the Serbian side for its treatment of prisoners of war, wish to maintain the cease-fire agreement and commitment to a peaceful solution to the crisis in Bosnia and Herzegovina, and adding that the Western media should write about the conditions in other camps and that the international community should press for inspection of camps held by Muslims for Serb detainees. He further cited a statement by Mr. Ambarkumov, President of the Foreign Policy Board of the Russian Parliament, who, on his return from a visit to the region, had denied the existence of concentration camps and had stated that all three sides were responsible for the war. Finally, he quoted the well-known Nazi-hunter, Mr. Wiesenthal, as rejecting any comparison between detention camps in Bosnia and Herzegovina and Nazi concentration camps and criticizing the West for attributing human rights violations in the region to the Serbs only.

10. In conclusion, he said that his country had been accused of fascism. The international community should begin by labelling the United States of America a fascist country for what it had done in Viet Nam before levelling such an accusation at other countries. The aggressors, and those responsible for the current situation, were all those who had prematurely recognized Bosnia and Herzegovina as an independent State before the new composition of the former Yugoslavia had been determined.

11. Mr. MORLAND (United Kingdom), speaking on behalf of the European Community and its member States, said that the situation in the former Yugoslavia, and particularly Bosnia and Herzegovina, fully warranted the holding of the current Special Session, which he hoped would respond effectively to the seriousness and urgency of the situation.

12. The appalling events taking part in the former Yugoslavia had been unparalleled on the European continent since the end of the Second World War. More than 2 million civilians, including the most vulnerable groups, had been forced to leave their homes and had found no sanctuary in the midst of the conflicts. He quoted the United Nations High Commissioner for Refugees as saying that displacement seemed to be the goal, not just the result of the war, with the motive clearly being ethnic relocation. The European Community and its member States called on all parties to create, as soon as possible, the necessary conditions conducive to the voluntary return of refugees and displaced persons, in safety and dignity.

13. They unreservedly condemned the concept and practice of so-called "ethnic cleansing", with the horror and human suffering that such a deliberate policy entailed, in addition to the bureaucratic charade of issuing documents purporting to show that people had given up their property and left voluntarily. The Commission must send a clear message that it considered the concept of ethnic cleansing abhorrent, whichever party was the perpetrator, and that the human rights of all persons, regardless of the ethnic, national or religious minorities or groups to which they belonged, must be fully respected.

14. Moreover, the international community had been shocked by allegations and evidence of widespread human rights violations in Bosnia and Herzegovina, including the detention of Bosnian civilians in camps against their will by the local Serbian authorities in eastern and northern Bosnia and Herzegovina and their subjection to ill-treatment. The full truth was not yet known, but it must be ascertained urgently. As called for by the European Community and its member States, international observers, particularly members of ICRC, must be allowed unconditional and continued access to the sites of all camps, prisons and detention centres, in particular to investigate the allegations of ill-treatment. The question of who should be running the detention camps must not distract attention from the need to close all unlawful places of detention, wherever they might be, and to release immediately all persons arbitrarily deprived of their freedom, with adequate guarantees for their safety. The Community and its member States condemned the very existence of such camps and wholeheartedly endorsed the Security Council's statement of 4 August 1992 calling for information on the camps and on access to them and recalling the obligations of all parties under international humanitarian law. Investigations should also be carried out into possible violations of human rights outside the camps.

15. The Community and its member States remained committed to supporting all efforts to protect, promote and guarantee human rights and fundamental freedoms in the former Yugoslavia, and, at a Conference in London later in August, they intended to strengthen the work of the European Community Conference chaired by Lord Carrington in the search for a fair and lasting political solution to the problems of the former Yugoslavia. They also welcomed the recent decision of the Conference on Security and Cooperation in Europe (CSCE) to send rapporteur missions to investigate attacks on civilians in Croatia and in Bosnia and Herzegovina.

16. The Community and its member States paid tribute to all those working to put an end to the suffering in the former Yugoslavia caused by widespread violations of human rights and international humanitarian law, and again stressed the urgent need for the removal of all obstacles to the delivery of humanitarian assistance.

17. At its current Special Session, the Commission must express its grave concern about the reports of flagrant and continuing violations of human rights, including summary and arbitrary executions, torture, enforced disappearances, and arbitrary arrest and detention. It must condemn unreservedly such practices, including the concept and practice of ethnic cleansing. The United Nations must also take urgent and effective action to investigate all reports of human rights violations and seek to put an end to them, and the Commission must play its full part in that regard.

18. The Commission should appoint a special rapporteur to make an immediate visit to the former Yugoslavia, to Bosnia and Herzegovina in the first instance, to investigate allegations of violations both in places of detention and elsewhere. The special rapporteur should be able to call on the expertise and support of the Commission's own mechanisms, including its Special Rapporteurs on torture and summary or arbitrary executions and its Working Groups on enforced or involuntary disappearances, and arbitrary detention, and should complete a preliminary report as soon as possible, in any case within a

matter of weeks. All parties, States, and international and non-governmental organizations should make available any evidence in their possession concerning such violations. The special rapporteur should make urgent recommendations on how evidence of human rights abuses might be compiled so that those responsible could be brought to book. In that way, the Commission would be sending a clear message that the international community would not tolerate gross violations, or allow them to be forgotten. Apart from that immediate report and any necessary follow-up, the Commission should also ensure that the situation in the former Yugoslavia continued to be closely monitored by the General Assembly and the Commission at its next session. Action must be taken now.

19. Mr. BAUM (Germany) said that his Government fully endorsed the statement by the previous speaker and welcomed the convening of the Special Session of the Commission. Referring to reports about appalling human rights violations and detention camps, to the numbers of refugees, over 200,000 of whom had found asylum in Germany alone, and to the deliberate campaign of ethnic cleansing, he said that it was the Serbs who must be held primarily responsible for the violations, although the other parties to the conflict could not be entirely exonerated. Appeals, including the Security Council's appeal in resolution 752 (1992), had gone unheeded, and the Commission on Human Rights must contribute to putting an end to the human rights violations. The holding of a Special Session of the Commission for the first time represented an important enhancement of its capacity for action, which his country had long advocated. United Nations instruments for the protection of human rights must be fully utilized and further developed. Germany had repeatedly called for the establishment of a High Commissioner for Human Rights. It supported the Austrian proposal for an emergency mechanism. It would be advocating that emphatically at the Commission's forty-ninth session and at the forthcoming World Conference on Human Rights.

20. Germany expected the Commission, at its Special Session, to condemn the human rights violations in the former Yugoslavia in the strongest terms. Detention camps and places of detention must be closed immediately; unimpeded access for humanitarian assistance must be allowed immediately; those held must be freed. The abhorrent concept and practice of ethnic cleansing must be stopped forthwith. Ethnic, religious and national minorities must be protected. Those expelled must be able to return. Damage must be repaired.

21. A special rapporteur must be appointed, and must travel immediately to the former Yugoslavia, in particular to Bosnia and Herzegovina, and be granted unrestricted and unconditional access to all regions of the country and all detention centres. The investigation must also cover the human rights situation outside the camps; through systematic interviews with those expelled and with the refugees, and from documents and other sources, it must ascertain events since the beginning of the hostilities. Murder perpetrated on the unarmed civilian population must be documented. The special rapporteur should submit a preliminary report within a very short time, i.e. before the European Community's London Conference. As the situation developed, the Commission might have to meet for another special session. The special rapporteur was expected to document systematically all human rights violations, irrespective of their perpetrators, naming not only military units or groups but any individuals responsible for them. They would ultimately have to account for

their actions. A register should be kept at the United Nations. In that connection, his Government was following with interest the work of the International Law Commission on the establishment of an International Criminal Court.

22. In conclusion, he expressed gratitude to all those individuals and organizations that were working to alleviate the suffering in the former Yugoslavia. Germany fully supported the proposed draft resolution.

23. Mr. Walker (Australia) took the Chair.

24. Mr. ENNACEUR (Tunisia) said that the convening of the Special Session was fully justified by the gravity of the human rights violations in Bosnia and Herzegovina and by the challenge which such violations represented for the international community. Credit was due to those who had risked so much to ease the suffering and bring hope to the people of the region and had alerted world opinion to the intolerable human rights violations there.

25. While all wars brought suffering and displaced populations, the violations of human rights and humanitarian law in the former Yugoslavia, and particularly Bosnia and Herzegovina, did not result from war but were perpetrated for the purpose of displacing populations and carrying out a policy of "ethnic cleansing". He quoted the statement made by the United Nations High Commissioner for Refugees on 29 July 1992 to the effect that the atrocities had been carried out on grounds of national, ethnic or religious origin and that displacement seemed to be the goal, and not just the result of the war. Faced with that situation, the Commission had the duty to take action with a view to putting an end to that situation and enabling the victims' dignity and rights to be restored. The draft resolution to be submitted at the current session seemed to provide an adequate response, within the Commission's mandate and means.

26. The Commission could play an important part by appointing a special rapporteur to gather all relevant information on the situation in accordance with international human rights instruments, ensuring that the report was widely disseminated, exerting greater moral pressure on the parties to the conflict, keeping public opinion informed and continuing to exert pressure until the situation changed significantly for the better. The special rapporteur must not be given a mandate that would call the Commission's own role in question. He or she would be appointed by the Commission and report to it. The Commission must address the problem before it realistically. It would be responsible for making the necessary arrangements for disseminating the reports and making appropriate recommendations to other United Nations bodies, but should not go beyond that. In addition to appointing a special rapporteur, however, it could launch an appeal - either in a separate statement or in its report to the Economic and Social Council - to the contracting parties to the Geneva Conventions, drawing their attention to their obligations under the first article of those Conventions. Furthermore, given the scale of the flagrant and continuing violations of humanitarian law, a timely initiative would be to convene a special meeting of the contracting parties to the Conventions to consider means of ensuring the implementation and observance of the Conventions by all parties, everywhere in the world.

27. In conclusion, he drew attention to the continuing plight of the Palestinian people, and expressed the hope that the current peace talks would soon result in a peaceful solution acceptable to all.

28. Mr. MAKAYEV (Russian Federation) said that the convening, for the first time, of a Special Session of the Commission on Human Rights sharply underlined world concern over the tragedy in Yugoslavia, which was an affront to the international legal order and carried with it a threat of instability that could affect the whole world.

29. His Government supported any solution by the world community to prevent bloodshed and was deeply concerned about the suffering of the population of Yugoslavia, and in particular its women and children. There had been many reports in the mass media of cruel treatment and of "ethnic cleansing", and other reports that bore witness to violations of human rights. Such information was, however, not always reliable; it was sometimes contradictory and politically inspired. The opposing sides should give the international community an opportunity to verify the reports, and if they were confirmed, the acts in question should be condemned, regardless of their perpetrators. His delegation stressed the need for a painstaking investigation as soon as possible after the Special Session.

30. Any decision taken by the Commission should be balanced, objective and in conformity with the Commission's mandate; it should not be emotive or politicized. The purpose of the Special Session was to take an objective position and to avoid half measures. He emphasized the need to take a decision by consensus in the interests of all the peoples in Yugoslavia and in order to put an end to the violations of human rights.

31. The draft resolution to be submitted contained two key proposals, the first of which was the proposal to appoint a special rapporteur to investigate first-hand the human rights situation in the territory of the former Yugoslavia and to receive relevant credible information on the human rights situation there. The special rapporteur should visit all regions, including regions where Muslims and Croatians were held. He stressed the important role that fell to NGOs and to ICRC and UNHCR, which should be allowed unimpeded access to provide relief. The second key provision of the draft resolution was its reminder to all parties of their obligation to comply with international humanitarian law and, in particular, with the Third and Fourth Geneva Conventions. The resolution adopted by the Commission should not contain any a priori condemnatory language, which would be counter-productive in view of Belgrade's expressed willingness to cooperate.

32. An appeal should be made to all the warring parties to expand their contacts and start negotiations in order to find ways of solving Yugoslavia's problems, and in particular to agree on measures to ensure compliance with the Geneva Conventions. A decrease in tension and the development of trust would be promoted by the discussions on constitutional arrangements under the auspices of the Conference on Yugoslavia, mentioned in Security Council resolution 752 (1992), and he wished the forthcoming talks in London every success.

33. The special rapporteur should be given time to produce a detailed report. He was convinced that the decisions taken at the Special Session would contribute to promoting human rights in Yugoslavia, and firmly supported any action by the international community to resolve the Yugoslav crisis and to allow the realization of the fundamental human rights, the right to life and the right to confidence in the future.

34. Mr. TOTH (Hungary) said that the First Special Session of the Commission on Human Rights was a landmark in enhancing its effectiveness and showed the deep concern of the international community at the ongoing grave human rights violations in the former Yugoslavia. The occurrences reported each day in the media conjured up memories of the darkest chapters of European history, of ethnic purification and mass extermination. Round-ups of people, arbitrary and summary executions, and deportations were only a few of the violations of the International Covenants committed in the former Yugoslavia, and especially in the Serbian-occupied territories of Bosnia and Herzegovina, and Croatia.

35. Violence fed violence and threatened to spread to areas as yet untouched by civil war. Other populations, such as the non-Serbian population in Kosovo and Vojvodina provinces, were threatened every day by paramilitary Serbian organizations who, with the Serbian extremist press, maintained an atmosphere of fear and insecurity in order to drive them from their homelands. In view of the strong evidence of daily exactions against civilians in several parts of the former Yugoslavia, it was imperative that the international community should unequivocally indicate its refusal to tolerate the situation any longer. The Commission was not merely a debating forum: it had instruments which it could employ to restore respect for human rights and human dignity. It could in particular appoint a special rapporteur to prepare a report on human rights violations and atrocities committed against the civilian population and ask for monitoring teams and/or UNPROFOR troops to be stationed in areas that were currently calm but where violence threatened.

36. He emphasized that the mandate of the special rapporteur should cover not only Bosnia and Herzegovina, but Vojvodina, Kosovo and the Sanjak. Over 400,000 Hungarians lived in Vojvodina and at least 1.2 million Albanians in Kosovo.

37. If there was a lesson to be learned from the conflict in Yugoslavia, it was that human rights were not an internal matter. It was regrettable that the hesitant attitude of the democracies one year previously had led the Serbian national forces to believe that the world was more concerned with preserving the stability of Yugoslavia than with the aspiration of its peoples to assert their right to self-determination. More decisive action by the international community at that time would certainly have averted the present suffering and destruction. He hoped that the Special Session would confirm that the world had realized its responsibility and that it had not completely abandoned the hope of curbing the human rights violations in the former Yugoslavia.

38. Mr. DI LORENZO BADIA (Italy) said that the welcome initiative by the United States in convening, for the first time, a Special Session of the Commission on Human Rights would make it possible to analyse in depth the very serious deterioration of human rights in the former Yugoslavia. His

delegation fully endorsed the remarks made by the representative of the United Kingdom on behalf of the European Community, which fully reflected the Community's concerted effort to find the most appropriate solution to the appalling tragedy in Yugoslavia, with which Italy felt close ties.

39. His delegation firmly condemned the grave violations of fundamental human rights and, in particular, the reported mass deportations and expulsion of persons from their homes, not to mention the practice of "ethnic cleansing". Concentration camps were totally unacceptable and it was the Commission's duty thoroughly to investigate the reports of the existence of such camps, as well as all the other allegations of extensive human rights violations in order to determine the responsibility of those involved.

40. He repeated his delegation's firm support for the conspicuous and untiring efforts of ICRC, and demanded that it be granted immediate, unimpeded and permanent access to all camps and places of detention within the former Yugoslavia.

41. Lastly, he paid tribute to the other specialized bodies, in particular UNHCR and the non-governmental organizations, for their invaluable contribution to humanitarian action. He solemnly reasserted Italy's commitment to the common effort to put an end to the violations of human rights and to ensure that the international community complied with its legal and moral obligations.

42. Mr. DICHEV (Bulgaria) welcomed the timely initiative to convene the Commission on Human Rights, which could not remain indifferent to the suffering of millions of people in the territory of the former Yugoslavia. The international community had both the duty and the right to take decisive and energetic action to halt the crimes being committed; Bulgaria wished to place on record its serious concern at the brutal violation of the most fundamental of human rights, the right to life. Bulgaria also categorically condemned the existence of detention centres and the process of "ethnic cleansing" and all that it entailed. On 31 July 1992, the Bulgarian Minister for Foreign Affairs had already expressed, in a letter to the Minister for Foreign Affairs of the Republic of Serbia, his deep concern and requested additional information on that issue. Bulgaria was particularly concerned about the fate of the Bulgarian minorities in the regions of Bosilegrad, Tsaribrod, Baboushitse and Sourdoulitsa. He emphasized that Bulgaria's concern was not self-centred, but stemmed from its firm adherence to basic human rights and fundamental freedoms and its concern that developments in Yugoslavia represented a dangerous threat of destabilization in the Balkans with unimaginable consequences. It was that conviction that had led the Minister of Foreign Affairs of Bulgaria to declare, on 9 August 1992, not only his categorical condemnation of the events in Yugoslavia, which shamed Europe, but his conviction that the international community could no longer delay taking resolute and effective measures to stop the bloodshed and flagrant violations of human rights.

43. Bulgaria had repeatedly made known its desire for a peaceful solution to the Yugoslav crisis through rational dialogue among all the parties concerned and believed that the recognition of the independence of all the republics of the former Yugoslavia, together with the restoration of the ethnic balance

that had existed before the resettlements and forced deportations, were a sine qua non for a successful dialogue. His delegation set great store on the forthcoming international conference on Yugoslavia due to open in London on 26 August. It lent its support to the proposal in the draft resolution before the Commission to appoint a special rapporteur to study the human rights situation in all regions of the former Yugoslavia.

44. Mr. VENERA (Czech and Slovak Federal Republic) welcomed the prompt response of the international community, through the convening of a Special Session of the Commission on Human Rights, to the tragic situation in Yugoslavia, which had for more than a year been the centre of the international community's attention.

45. It was impossible to remain indifferent to the gradual escalation of mutual hatred in Yugoslavia towards total disrespect for everything that was human, an escalation which had led to the largest exodus of refugees in Europe since the end of the Second World War. Although the number of refugees who had sought refuge in his country might seem numerically small in comparison with other countries, it posed a problem for Czechoslovakia's limited resources. The Czechoslovak public was deeply concerned about the reports of alleged mass violations of human rights in detention camps in Yugoslavia, and even more so by the reported exactions against children. However, the sources of the allegations of such blatant violations of basic human rights often allowed their credibility to be challenged. His Government was thus convinced of the need to strengthen the fact-finding activity of the international community through independent missions, as had already been done to a large extent by the European Community and ICRC.

46. As Chairman of the Conference on Security and Cooperation in Europe (CSCE), the Foreign Minister of the Czech and Slovak Federal Republic had initiated talks within the Conference on Yugoslavia and organized the work of two CSCE delegations to the area. He was also to visit almost all the capitals of the republics of the former Yugoslavia in order to examine the possibilities for mediation in the conflict.

47. In line with those initiatives, his delegation supported consideration by the Commission of the possibility of appointing a special rapporteur to observe and report on the human rights situation in the former Yugoslavia, as impartial monitoring of the human rights situation was a sine qua non for any subsequent initiatives.

48. Mr. RIMDAP (Nigeria) said that the decision to convene a Special Session of the Commission on Human Rights signified recognition by all the members of the Commission of their enormous responsibilities and of the urgent need for action.

49. The continuing hostilities in the former Yugoslavia had inflicted untold suffering on innocent civilian victims, and the unabating nightmare in that country was nothing less than a negation of the principles and provisions of the Charter of the United Nations, the Universal Declaration of Human Rights and the other international instruments adopted to ensure peace, security and respect for the human person.

50. His delegation did not, however, believe that the Commission should merely content itself with apportioning blame, cataloguing events or endorsing condemnations of the causes of the conflict. It should seek rather to find a concrete and durable solution to the problem in order to spare its victims any further horrors. In its search for a durable solution, it should not only determine the root causes of the crisis, but also establish the necessary structures to institutionalize and promote the enjoyment of human rights. That effort required genuine determination on the part of the international community, as well as the commitment and support of all the parties involved in the former Yugoslavia.

51. To conclude, he expressed his delegation's gratitude to the United Nations, UNHCR and ICRC for their stalwart efforts to provide for the victims of the conflict, and expressed his regret that international relief workers had themselves become the targets of attacks. He thanked the Western donor countries for their efforts to provide medicine and other relief supplies to the victims of the conflict as well as temporary refuge, and reminded the international community that ethnic strife was also raging in Somalia and Liberia. He expressed the hope that the Security Council would find the necessary solutions to bring l sting peace, cooperation and coexistence to those parts of the world which had long been deprived of peace.

52. Mr. LANUS (Argentina) said that, in the time the United Nations had been dealing with the question of Yugoslavia since the adoption of Security Council resolution 713 on 25 September 1991, the situation had turned into one of the most complex conflicts since the Second World War. It involved conflicting political interests, territorial disputes, religious fighting and deep-seated historical resentments. His Government had participated in the international efforts to end the violence by contributing 900 troops to the United Nations peace-keeping forces and participating in the recent conference on humanitarian aid for the victims of the conflict.

53. Referring to the statement that morning by the Deputy High Commissioner for Refugees, he said the draft resolution his country was co-sponsoring would contribute to efforts to end the serious abuses in the former Yugoslavia by calling for the appointment of a special rapporteur to investigate the human rights situation in situ and submit a report to the Commission by the end of the month. The resolution maintained a balanced position by urging all parties to the conflict to cease violations of human rights and stressing the need for non-discrimination in the action taken. It also reflected the urgency of the situation by requesting a report by the end of the month.

54. From 1950 to June 1991, international and civil wars throughout the world had resulted in the deaths of 22 million persons. A continuation of that irrational and futile experience must be avoided. UNHCR and ICRC must be permitted to perform their humanitarian tasks unimpeded, the violence in the former Yugoslavia must be stopped, and the way must be paved for a peaceful solution respecting both self-determination and non-discrimination.

55. Mr. GARRETON (Chile) said that, because of his country's emphatic rejection of the bombings, murders, exiles, displacements and arbitrary detentions occurring daily in the former Yugoslavia, it had welcomed the United States initiative calling for a Special Session of the Commission to

examine that situation. The Special Session was being held at a time of pain and suffering for millions of human beings in Europe and Africa, which represented an affront to the development of an international order promoting liberty and respect for human dignity.

56. His country felt deeply involved in the tragedy occurring in the former Yugoslavia, both because of its emotional ties due to the large numbers of Chileans of Yugoslav, and especially Croatian, origin, and also because of its concern for all suffering peoples. Citing the Preamble to the Universal Declaration of Human Rights, he noted that that instrument and the Geneva Conventions of 1949 had arisen from the desire to prevent a recurrence of the unprecedented contempt for human rights shown during the Second World War. Both texts had been thought to be giant steps towards respect for the human person, in time of peace and war. However, the "highest aspiration of the common people" represented by the Universal Declaration was now being undermined for practically the same reasons that had given rise to the Second World War. The "ethnic cleansing" being mentioned today brought back terrible memories of half a century before.

57. The international community had expressed its horror at the situation and applied drastic sanctions to one of the parties to the conflict in numerous Security Council resolutions. In a decree signed by President Aylwin three days after the adoption of resolution 757 (1992), his country had decided strictly and faithfully to fulfil the provisions of that resolution. Chile also attached the highest value to the efforts of other bodies, such as the European Community and CSCE, and hoped that the forthcoming Conference in London would lead to negotiations for the prompt establishment of peace.

58. However, regardless of responsibility for the origin of the conflict, it was for all the parties to find solutions to the violations of human rights and humanitarian law, recognizing that there was a place for all, whether they were members of the majority or of religious, racial or linguistic minorities. Non-discrimination was a cornerstone of both the Universal Declaration and the Covenants and Declarations that had succeeded it. Individual responsibility was a principle enshrined in two of the Geneva Conventions of 1949, and effective penal sanctions should be imposed on persons committing, or ordering the commission of the serious human rights violations currently occurring in the former Yugoslavia.

59. His delegation congratulated the countries that had given refuge to so many needy individuals, but felt that the situation should be treated as a temporary one. The task at hand concerned access to the victims. The generous aid given by certain countries was not always reaching the causes of the conflict, and the humanitarian organizations had been hampered in their efforts.

60. While expressing appreciation for Economic and Social Council resolution 1990/48, which had enabled the Commission to meet in special session, his delegation believed that the establishment of another, more flexible emergency mechanism was necessary. Thus it firmly supported the establishment by the Commission of a mechanism for investigating human rights violations in the former Yugoslavia, with a mandate to submit a report to the Bureau as soon as possible, without prejudice to the submission of a report to

the Commission at its forty-ninth session. The Commission's working groups and special rapporteurs should also conduct urgent missions to the territory of the former Yugoslavia where cases falling within their mandate existed.

61. Mr. Solt (Hungary) resumed the Chair.

62. Mr. RHENAN-SEGURA (Costa Rica) welcomed the United States initiative and expressed the hope that it would set a precedent for dealing with similar situations throughout the world. Costa Rica repeated its condemnation of the acts of barbarism occurring in the former Yugoslavia, such as the unacceptable "ethnic cleansing" being practised by the Serbs. His Government had been observing with deep concern developments in Bosnia and Herzegovina, where the acts being committed by the irregular Serbian forces against the civilian population were indicative of utter disregard for the principles and regulations of humanitarian law and constituted a flagrant violation of the International Conventions on Human Rights. Costa Rica called for implementation of the Geneva Conventions of 1949, the Additional Protocols of 1977 and the Hague Conventions of 1899 and 1907, as well as the customary law of war, which protected the victims of violence and contained a common core of rights from which there could be no derogation.

63. A political compromise must be reached to protect persons not directly participating in the hostilities, especially women, children and the wounded, and violations represented by the so-called concentration camps, the taking of hostages and attacks on human dignity, in particular humiliating and degrading treatment and arbitrary and summary executions as mentioned in the Protocols to the Geneva Conventions, must be terminated.

64. Costa Rica supported action by the international community to guarantee a cease-fire and humanitarian aid to the civilian population, and it hoped that the Security Council would adopt the necessary decisions to check Serbian aggression against the inhabitants of Bosnia and Herzegovina. It appealed to all the parties involved to work towards an immediate cease-fire and was in favour of a political compromise to end that current situation, which was unprecedented in four decades of international history.

65. His country would support and co-sponsor the draft resolution to be submitted, although it would have preferred it to contain stronger language and an explicit reference to a political compromise. It stressed the need for the special rapporteur to submit a report as soon as possible and for the Commission to remain vigilant as long as the conflict lasted.

66. Mr. ITO (Japan) said that Japan was seriously concerned at the grave human rights situation in the former Yugoslavia and therefore welcomed the United States initiative in proposing the Special Session of the Commission, which it hoped would set a precedent for the effective future use of that mechanism.

67. Japan was especially concerned at the intensification of the armed conflicts and accompanying violations of human rights in the former Yugoslavia, especially Bosnia and Herzegovina. As it had emphasized at the International Meeting on Humanitarian Aid for Victims of the Conflict in the Former Yugoslavia, organized in July by the United Nations High Commissioner

for Refugees, the international community's ability to cope with the antagonisms arising from ethnic and religious factors in that territory was a touchstone of its ability successfully to build a new world order in the post-cold-war era. To achieve a solution to the armed conflicts, respect for the right to self-determination must be accompanied by tolerance towards other national or ethnic groups.

68. The situation in Bosnia and Herzegovina was the most devastating faced by Europe since the Second World War. The reports of flagrant violations of basic human rights and international humanitarian law, which should be observed and respected even in a conflict situation, were deeply troubling. He expressed his country's sympathy for the victims of the inter-ethnic armed conflict, many of whom had been expelled or deported as a result of the practice of "ethnic cleansing", and for civilian detainees who had been the victims of abuse. There was a most urgent need for the international community to make a thorough investigation into the situation of human rights violations and do all it could to stop them.

69. His Government strongly supported the statement made by the President of the Security Council on 4 August 1992 and therefore called upon all parties concerned to facilitate access by relevant international organizations, in particular ICRC, to all camps, prisons, and detention centres. Concerned that over 2 million people had been forced to leave their homes, it appealed to the parties to respect basic human rights and international humanitarian law, and to cooperate with humanitarian agencies such as UNHCR in establishing conditions for the delivery of humanitarian assistance and the return of refugees and displaced persons to their homes. It also supported a decision to be made at the current session to appoint a special rapporteur to investigate the situation regarding human rights violations within the territory of the former Yugoslavia.

70. It was vital to prevent the current crisis from spreading into other areas of the former Yugoslavia. In that context, Japan fully supported efforts to seek a political solution to the problems in that territory, as initiated by the United Nations and the European Community Conference on Yugoslavia. Events in the former Yugoslavia were not a mere regional problem, but a political problem that would profoundly affect peace and security in the world during the coming years.

71. Mr. GRACA LIMA (Brazil) welcomed the proposal by the representative of the United States of America and said that the dramatic situation in the former Yugoslavia appeared to be a suitable case to be taken up under the mechanism established by Economic and Social Council resolution 1990/48. The resounding majority of member States in favour of convening the Special Session of the Commission demonstrated international concern at continuing reports of widespread violations of human rights in the former Yugoslavia, especially Bosnia and Herzegovina, which had resulted in an outflow of millions of refugees and internally-displaced persons whose lives depended on efficient humanitarian assistance.

72. Reported violations included extrajudicial, summary and arbitrary executions, enforced disappearances, torture and arbitrary detention. Alleged practices of "ethnic cleansing" and further abuses in places of detention also gave rise to serious concern.

73. The Commission had an important role to play in the search for a peaceful solution to the present conflict. It could significantly contribute to the current and forthcoming talks between the parties in conflict by appointing a rapporteur to evaluate the human rights situation in the former Yugoslavia, and especially Bosnia and Herzegovina. The preliminary report should be submitted to the Commission by the end of the month, and the support of existing mechanisms such as thematic rapporteurs and working groups of the Commission would be most suitable.

74. The realization of the rights of national, ethnic, religious and linguistic minorities in Eastern Europe had given birth, in the case of the former Yugoslavia, to a dramatic situation that concerned the entire international community. His delegation intended actively to explore ways and means of preventing further human rights violations in that territory.

75. Mr. TURK (Austria), citing a statement recently delivered by the Austrian Foreign Minister, Alois Mock, said that the Austrian Government and people were deeply shocked by the spiral of violence in Bosnia and Herzegovina, which seemed to worsen day by day.

76. At the forty-eighth session of the Commission on Human Rights, his delegation had drawn the Commission's attention to the fact that the armed conflict in neighbouring Yugoslavia had led to massive violations of the most basic human rights. However, the international community had failed in its duty to respond to those violations. In view of the dramatic deterioration since then, his Government welcomed the initiative of the United States of America in convening a Special Session of the Commission in order to deal at last with that ongoing situation of blatant and systematic abuse of basic human rights on a massive scale, unprecedented in Europe since the Second World War. However, the procedure established by Economic and Social Council resolution 1990/48 was rudimentary and cumbersome. A more prompt and efficient mechanism should be established, to which end Austria had submitted a detailed proposal at the most recent regular session of the Commission.

77. On 15 April 1992, CSCE had condemned the violations by Serbian irregular forces and by the Yugoslav National Army of the independence, territorial integrity and human rights of the people of Bosnia and Herzegovina, and urged the Government of Serbia to discontinue its support for such actions which, if continued, would constitute a pattern of clear, gross and unremedied violations of CSCE commitments. Similar statements had been made in other international forums, such as the Islamic Conference.

78. In the Republic of Bosnia and Herzegovina, some 1.5 million persons, or approximately one third of the population, had been forced to leave their homes. Since the outbreak of the violence, Austria had thus accommodated some 60,000 refugees and displaced persons. They had given accounts not only of the brutal aggression they had been subjected to, but also of the fact that entire regions had been exposed to "ethnic cleansing" operations, thus corroborating reports by international organizations such as UNHCR and ICRC. Muslim and Croatian populations had been systematically deported or harassed into fleeing from large parts of Bosnia and Herzegovina, and the destruction of health facilities, water and food supplies, housing, and communications and transport facilities were gross violations of the population's economic and social rights.

79. According to reliable information, there were dozens of concentration camps in Bosnia and Herzegovina with some 140,000 prisoners, of whom 90 per cent were civilians. Many of those had been forced at gunpoint by Serbian-controlled forces to renounce, supposedly on a voluntary basis, their homes and property and had then been deported. Their homes were quickly taken over by ethnic Serbs. Such expropriations were illegal and must be considered null and void.

80. The abhorrent policy of "ethnic cleansing" must be stopped immediately. Such a policy amounted to genocide, as clearly defined in the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. Such practices must be resolutely condemned by the international community and the strongest possible pressure must be exerted on those responsible to put a stop to them and erase their effects. The international community's failure to do so would constitute an extremely dangerous precedent for other areas of ethnic strife.

81. The situation was aggravated by the systematic destruction of places of religious worship and cultural monuments, that practice being a clear indication of genocidal design. Similar events on a smaller scale had been occurring in Croatia over the past year, parallel to the military advance of the Yugoslav National Army and Serbian irregulars there. Austria called on the Government of Serbia immediately to take steps against such actions and to respect the independence and territorial integrity and the legitimate Government of the Republic of Bosnia and Herzegovina.

82. In that context, it was of utmost importance that ICRC should be granted immediate, unimpeded and continuous access to all internment camps and other places of detention, and that all parties should ensure the safety and freedom of movement of ICRC representatives. He sincerely hoped that the Security Council would soon adopt a resolution to that effect. As the Austrian Federal President, Thomas Klestil, had recently stated, to erect a wall of silence around those camps would be intolerable.

83. Austria also appealed to all parties to the armed conflict in the former Yugoslavia to adhere to the standards of international humanitarian law as enshrined in the relevant international instruments. The international fact-finding commission provided for in article 90 of Additional Protocol I to the Geneva Conventions was now operational, and serious consideration should be given to making use of its services.

84. Austria strongly supported holding persons who committed or ordered the commission of grave violations of international humanitarian law individually responsible for such violations. It also felt that States should be held responsible for any crimes against humanity committed by their agents.

85. The time had come for the international community to establish an international criminal court with jurisdiction over war crimes and crimes against humanity, such as those now being witnessed in Bosnia and Herzegovina and other parts of the former Yugoslavia.

86. He underlined the unalienable right of the displaced persons and refugees freely to return to their homes and their right to compensation for the destruction or confiscation of their property. Pending such return, all parties in the former Yugoslavia should extend full cooperation to the United Nations High Commissioner for Refugees and to other international humanitarian organizations in their efforts to assist refugees and displaced persons.

87. His delegation strongly supported the appointment of a special rapporteur to investigate first-hand the human rights situation in the territory of the former Yugoslavia, in particular within Bosnia and Herzegovina. The special rapporteur should be assisted by existing mechanisms of the Commission.

88. Strict observance of human rights commitments, including those pertaining to the rights of minorities, had appropriately been made a condition for international recognition of Slovenia, Croatia, and Bosnia and Herzegovina and any other successor States to the Socialist Federal Republic of Yugoslavia. The same conditions must apply to all States emerging on the territory of former Yugoslavia. Austria was also especially concerned about the extremely serious human rights situation in Kosovo, which continued to deteriorate. Similar negative developments were taking place in the so-called Sanjak and in the Autonomous Province of Vojvodina.

89. In conclusion, while urging speedy action by the Commission, he pointed out that all the decisions and appeals it adopted would be in vain if they did not reach those instigating or carrying out the acts of violence.

90. Mr. BROTODININGRAT (Indonesia) said that his country was deeply dismayed by the bitter enmity and indiscriminate violence which had torn Yugoslavia apart. It was especially saddened by the fact that the conflict had engulfed a country which had been a founding member of the Non-Aligned Movement and had always played a dynamic role in world affairs.

91. Although the breakup of the former Yugoslavia and the emergence of newly independent States had been accepted by the international community, the violence and bloodshed had not abated. The conflict had already resulted in thousands of civilian casualties and the destruction of historical and religious landmarks, schools and hospitals, while reports testified to the forcible eviction of indigenous inhabitants, in particular Muslims, as well as the massive influx of refugees into neighbouring countries. The rapidly deteriorating conditions were aggravated by the disruption of the flow of humanitarian assistance to the victims of the conflict.

92. The deterioration of the situation in the former Yugoslavia, in particular in Bosnia and Herzegovina, had already created an upsurge of international concern, reflected in the convening in June of an extraordinary session of the Organization of the Islamic Conference (OIC), which had adopted a comprehensive resolution on the subject. The pertinent elements could serve as a valuable input in the work of the Commission. In addition, the Ministerial Meeting of the Coordinating Bureau of the Non-Aligned Movement had discussed the situation in the region in May and demanded the immediate cessation of hostilities, appealing to the Secretary-General of the United Nations for the deployment of United Nations peace-keeping forces in Bosnia and Herzegovina and urging all

the countries concerned to cooperate fully with the United Nations and support all peace efforts. At the end of July, at the initiative of UNHCR, an international meeting on humanitarian assistance to the former Yugoslavia had been held at ministerial level, and had resulted in the establishment of a follow-up Committee and the endorsement of the High Commissioner's suggestion for a comprehensive approach.

93. The situation had, however, continued to worsen, involving an alarming multiplicity of human rights violations. All members of the Commission must agree on the urgent need for speedy and resolute action to bring the human tragedy in the former Yugoslavia to an end. In the view of his delegation, the response should be timely and effective, but it should also be principled and decisive. His delegation was ready to go along with the emerging consensus in favour of investigation to obtain credible first-hand information on the human rights situation in the former Yugoslavia, the means of putting an immediate stop to the atrocities and preventing further "ethnic cleansing", and ways of ensuring the safe and effective delivery of all forms of humanitarian assistance.

94. With regard to the longer-term political solution, he quoted the Indonesian Foreign Minister, who, at the OIC extraordinary session in June, had said that an effective and lasting solution to the tragedy could only be attained through a negotiated settlement for Bosnia and Herzegovina in particular, based on the precepts of justice and mutual tolerance.

95. The gravity of the situation was so compelling that his delegation, which, as a matter of principle, had had strong reservations about the convening of an inter-sessional session of the Commission, had been able to endorse it. His delegation hoped that the opportunity would be taken to help to end the suffering of the peoples of the former Yugoslavia.

96. Ms. PARK (Canada) said that the decision to hold an emergency meeting of the Commission reflected the growing resolve of the international community to deal with human rights abuses which were threats to peace and security, and to take practical steps to deal with the tragic situation in the former Yugoslavia.

97. It was with profound concern and indignation that Canadians had watched a mounting wave of brutal intercommunal violence overwhelm the peoples of the former Yugoslavia. The conflict threatened the progress made in Europe to mitigate the worst effects of excessive nationalism, to encourage cooperation between ethnic, religious and cultural communities within the region, and to inspire respect for human and minority rights. The situation was also diverting energy and resources from more remote but equally bitter conflicts, such as that taking place in Somalia.

98. As a country with a population of diverse ethnic origins, Canada was appalled at the blatant disregard for basic principles of tolerance and respect for fundamental human values; it abhorred the atrocities taking place in the name of "ethnic cleansing" and was alarmed at reports of mass detention centres. Political, humanitarian and human rights issues were closely intertwined in the complex crisis in the former Yugoslavia.

99. As to the political dimensions of the problem, her country was firmly committed to a multilateral approach that sought effective and practical ways of addressing the immediate victims of the conflict while intensifying the search for a durable solution. It supported the call for a more comprehensive peace conference to deal with the issue and looked forward to action by the Security Council which would reinforce the decisions of the Commission.

100. On the humanitarian side, the immediate crisis of human suffering and the need for humanitarian aid, which had been the subject of a special emergency meeting in Geneva convened by UNHCR, must continue to be given high priority. A major step forward had been the opening-up of the air corridor to Sarajevo, in which over 1,200 Canadian men and women were proud to take part as UNPROFOR personnel. Canada had also participated actively in international humanitarian assistance efforts to bring urgently-needed relief supplies to those affected by the fighting and was committed to supporting a new coordinated appeal on the former Yugoslavia. It would moreover take up to 26,000 citizens of the former Yugoslavia who had family ties in Canada and would be eligible for consideration as permanent residents.

101. With regard to the human rights dimension of the situation, all those involved in the conflict must be forcefully reminded that international standards of human rights must be respected. The full weight of international law in the form of the Geneva Conventions and the human rights conventions and instruments must be maintained. ICRC must be given immediate and unconditional access to all places of detention. The facts pertaining to reports of human rights abuses must be assembled and documented, and action must be taken to put a stop to such abuses before they escalated.

102. Canada would strongly support action aimed at dealing swiftly and effectively with the human rights situation in the former Yugoslavia and, in particular, action which would condemn all human rights violations, notably the repugnant concept of "ethnic cleansing". It underlined that all parties to the conflict were bound by international human rights law and by the rules and principles of international humanitarian law. A special human rights expert should be appointed to investigate the situation in the former Yugoslavia, and in particular in Bosnia and Herzegovina, and prepare a report which could be the basis of further action by the Secretary-General, the Security Council and the General Assembly, and assist other international agencies, particularly ICRC and UNHCR, to carry out their responsibilities.

103. The international machinery existed for dealing with human rights abuses; it was time to put it into gear in order to address the serious situation in the former Yugoslavia.

104. Mr. BOLTON (United States of America), speaking in exercise of the right of reply, said that an earlier speaker had accused the United States of being a fascist country. In his opinion, the representatives of authorities engaged in a brutal policy of "ethnic cleansing" were in no position to bandy charges of fascism. He stood by his previous statement.

105. Mr. WALKER (Australia) said that the international community, through the United Nations, must make its position clear on the matter of abuses of basic human rights in the territory of the former Yugoslavia. His Government

welcomed the Security Council's consideration of the issue, but it was desirable that the Commission should exercise its special competence by expressing its deep concern about the situation and by taking appropriate action.

106. The re-emergence of aggressive ultra-nationalism, the inflammation of old ethnic rivalries, the promotion of racial intolerance and the persecution of minorities had undercut aspirations not only for the enhancement of human rights, but for the future security of Europe. The abuses occurring in the former Yugoslavia had shocked the world. His Government was deeply distressed at continuing reports of widespread violations of the most fundamental principles of humanitarian law and human rights in Bosnia and Herzegovina, including disregard for the internationally accepted rules of humanitarian conduct regarding the treatment both of combatants and non-combatants. Overshadowing that situation was the chilling policy of so-called "ethnic cleansing", a euphemism for the expulsion of groups of people from their homes on the basis of their national, racial, ethnic or religious identification and the theft of their property by the use of force or discriminatory treatment, it involved a policy of deliberate terror and there could be no justification for it. The purpose of those human rights violations had been to force more than 2 million people to leave their homes. His Government had also been disturbed by the reports of gross abuses in detention centres and camps in Bosnia and Herzegovina, and joined in the demand of the international community that ICRC should be given immediate, unimpeded and continuous access to all detention camps and that all detainees should be treated humanely.

107. No end to the situation seemed to be in prospect and there was a serious risk that abuses might intensify in the current areas of major concern and spread to other areas of the former Yugoslavia. Australia was concerned about the vulnerable population of Bihac in north-west Bosnia, threatened by further forced relocation, and about mounting tensions in Kosovo and Vojvodina, which contained large ethnic minorities. Many observers feared that an explosion of violence might occur and his Government appealed to all parties to maintain calm and initiate dialogue in order to find an acceptable outcome in those areas.

108. It was the media which had brought the information on human rights violations into the public arena; the international community must salute the courage of the men and women involved. In the opinion of his Government, the Commission should also make it clear that the international community condemned the abuses of human rights in the former Yugoslavia. It should call upon all parties to observe internationally accepted human rights standards; it should call for the immediate release of all persons arbitrarily arrested and detained, and demand ICRC access to all the detention centres; it should denounce the pernicious practice of "ethnic cleansing", and demand that it should cease immediately and that its victims should be able to return to their homes in safety.

109. His Government had supported the proposal that a special rapporteur should be appointed to investigate the situation of human rights in the former Yugoslavia. He should undertake an urgent, comprehensive and thorough

investigation of the situation and, following his report to the Commission, prepare a preliminary report to be made available to the Security Council. The Commission should do the groundwork for the future investigation and punishment of human rights violations, including war crimes.

110. There had already been some positive response by the Serbian authorities to the international outrage following revelations of human rights violations, particularly in detention camps. The appointment of a special rapporteur would ensure that international attention was focused unremittingly on the grave situation which had led to the meeting of the Commission. The Commission must remain seized of the issue, despite its complexity and the difficulties of obtaining a just and lasting solution to the tragedy. The key requirement for resolving the situation remained renewed political dialogue, and his Government placed hopes in the forum to be held in London at the end of August to seek a political solution to the conflict.

111. Mr. VILLARROEL (Philippines) said it was inconceivable that atrocities could still be committed in the name of ethnic purity. While conceding that the situation in the territory of the former Yugoslavia was so confused and disinformation from all sides so rife that it was difficult to separate fact from fiction, nothing could justify the wanton killing of innocent people, forcible expulsion of persons from their homes, flagrant violations of their human rights, the existence of detention camps and the escalation of the armed conflict.

112. Time was running out and a clear message was required from the Commission that the international community would not be a passive spectator of the atrocities and would take forceful measures to end them. His delegation hoped that the course of action prescribed in the resolution on the situation of human rights in the territory of the former Yugoslavia would contribute in some measure to the process of peace there.

113. Mr. BEBLER (Observer for Slovenia) said that the session of the Commission had not been convened prematurely; unfortunately for the several hundreds of thousands of persons who had been wounded, maimed, raped or incarcerated, it was too late. The more than 70,000 dead in the former Yugoslavia had already been subjected to a violent final solution.

114. Massive human rights violations had been committed in Kosovo for at least 11 years, while the international community had for a year been observing violations of many of the rights enumerated in the Universal Declaration in Bosnia and Herzegovina, Croatia and Serbia. However, the violations in the former Yugoslavia had included many acts prohibited by the Geneva Conventions; since the spring of 1991 the Yugoslav People's Army and the Serbian paramilitary groups had committed thousands of violations of the rules of warfare. It was they who had initiated the use of modern heavy weapons against civilians and had been accomplices to war crimes punishable under the Nürnberg Principles of 1946. The year 1990 had seen violations of article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide in Croatia, while in March 1992 the notion of "ethnic cleansing" had been extended and applied with greater cruelty in Bosnia and Herzegovina.

115. ICRC had made frequent statements on the inhuman methods used by all the parties in conflict; however, those statements concealed important distinctions required in an objective analysis of the problem. The initiators of the use of heavy weapons, mass violence and terrorism had been from one side only - the Yugoslav People's Army and the Serbian extremists. It was notorious that the number of victims was unequally distributed. The role and degree of active involvement by government bodies and officials had been very different from that of groups outside government control; it was due to such divergences that the protection of convoys of women and children, for example, had been required by one side only. Unfortunately, the observations of the objective international bodies tended to fail to distinguish between the different groups involved. That had meant that some commendable actions had had negative side-effects, such as the emptying of villages as a result of helping civilians to escape, thus playing into the hands of the perpetrators of genocide. Captured uniformed military personnel were held on an equal footing with unarmed civilians, who were allegedly used as hostages in exchanges or for obtaining ransoms in Deutschmarks from their families - the reward of Serbian terrorism. High officials of Serbian Montenegro were morally and politically responsible for the crimes in Croatia and Bosnia and Herzegovina, and rabid Serbian nationalism had been promoted by the President of the Federal Republic of Yugoslavia. Mr. Panic, the Yugoslav Federal Prime Minister, paid lip-service to peace while his ministries provided finance and military material to Serbian extremists in Bosnia and Herzegovina and Croatia. The hypocrisy of the leaders of Serbian Montenegro was self-evident.

116. His delegation supported the appointment of a special rapporteur and pledged its support for his mission. It was convinced that the deliberations of the Commission, although not a substitute, could complement energetic efforts to put an end to the suffering in the republics of the former Yugoslavia.

117. Mr. GEGHMAN (Observer for Yemen) said the international community believed that crimes of the kind currently being committed in Bosnia and Herzegovina had ceased to exist after the end of the Second World War and since the creation of the United Nations, which had reconfirmed the faith of nations in fundamental human rights, human dignity, and the equality of men and women and all nations.

118. UNHCR had recently met to provide assistance to the refugees from the former Yugoslavia while the Commission was currently meeting to help to restore human rights in that country. It was curious that, while the names of both victims and aggressors were known from the press, radio and television, it seemed that there was a reluctance to pronounce those names. The aggressive war being waged and the odious crimes committed in Bosnia and Herzegovina seemed to take the world back half a century to the "ethnic cleansing" of the Nazis. History was repeating itself, and what the Jews of Europe had suffered in the past, the Muslims were suffering at the present time; and yet it seemed as if an attempt was being made to cover up the crimes and help those committing them.

119. The Commission was not an appropriate forum for the consideration of war crimes, displacement of persons, genocide and concentration camps, although those crimes constituted the most serious threat to world peace since the 1940s and perhaps earlier.

120. Since the provisions of Article 41 of the Charter of the United Nations had failed to end aggression and ensure territorial sovereignty, his delegation considered that Article 42 of the Charter should be invoked. The aggressor should be compelled to compensate Bosnia and Herzegovina for all material and human losses suffered.

121. Where human rights violations in the former Yugoslavia were concerned, the focus should be on the right of the people of Bosnia and Herzegovina to live in peace. It was necessary to call for the withdrawal of all troops from that territory. A special rapporteur should be sent to study the crimes against humanity committed there, and responsibilities must be shouldered, to ensure that the Muslims of Bosnia and Herzegovina did not become the Palestinians of Europe.